

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X
	:
UNITED STATES OF AMERICA,	:
	:
Plaintiff,	: ECF CASE
	: Case No. 12 CR 125 (JSR)
	:
vs.	:
	:
DOUG WHITMAN,	:
	:
Defendant.	:
	:
-----	X

**NOTICE OF DEFENDANT DOUGLAS F. WHITMAN'S
MOTION TO EXCLUDE "OTHER ACTS" EVIDENCE**

PLEASE TAKE NOTICE that the undersigned, on behalf of defendant Douglas F. Whitman, will move this Court before the Honorable Jed S. Rakoff, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, at 5:30 p.m. on July 25, 2012, for an order, pursuant to Federal Rule of Evidence 404(b), to exclude evidence of "other acts" that the government has given notice it may seek to introduce at trial. The grounds for this motion are more fully set forth in the accompanying Memorandum of Law.

PLEASE TAKE FURTHER NOTICE that the Government shall serve and file any opposition papers on or before July 16, 2012, and defendant shall serve and file any reply papers on or before July 23, 2012.

Dated: San Francisco, California
July 6, 2012

Respectfully submitted,

/s/ David L. Anderson

David L. Anderson
(dlanderson@sidley.com)
(Admitted *pro hac vice*)
SIDLEY AUSTIN LLP
555 California Street
San Francisco, CA
(415) 772-1200
(415) 772-7400 (fax)

David M. Rody
(drody@sidley.com)
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, New York 10019
(212) 839-5300
(212) 839-5599 (fax)

Bradford A. Berenson
(bberenson@sidley.com)
(Admission *pro hac vice* pending)
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8000
(202) 736-8711 (fax)

Attorneys for Douglas F. Whitman

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of July, 2012, I caused a true and correct copy of (1) Notice of Defendant Douglas F. Whitman's Motion to Exclude "Other Acts" Evidence; (2) Memorandum of Law in Support of Defendant Douglas F. Whitman's Motion to Exclude "Other Acts" Evidence; and (3) a Declaration of David L. Anderson in Support of Defendant Douglas F. Whitman's Motion to Exclude "Other Acts" Evidence, and accompanying exhibits; to be served via ECF filing notification on the following counsel of record::

Jillian Berman, AUSA
Christopher LaVigne, AUSA
United States Attorney's Office
Southern District of New York
One Saint Andrew's Plaza
New York, NY 10007

Dated: San Francisco, California
July 6, 2012

Respectfully submitted,

/s/ David L. Anderson

David L. Anderson
(Admitted *pro hac vice*)
SIDLEY AUSTIN LLP
555 California Street
San Francisco, CA
(415) 772-1200
(415) 772-7400 (fax)

Attorneys for Douglas F. Whitman